

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-11249-GAO

BENSLEY CONSTRUCTION, INC.,
on its own behalf and on behalf of all others similarly situated,
Plaintiff

v.

MARSH & MCLENNAN COMPANIES, INC., et al.
Defendants.

MEMORANDUM AND ORDER

January 19, 2006

O'TOOLE, D.J.

After hearing, the defendants' Motion to Stay This Action Pending a Determination on Transfer by the Judicial Panel on Multidistrict Litigation is GRANTED.

The defendants have argued that this action shares common questions with many of the more than 20 cases previously transferred by the Judicial Panel on Multidistrict Litigation (the "JPML") and consolidated in the United States District Court for the District of New Jersey in In re Ins. Brokerage Antitrust Litig., 360 F. Supp.2d 1371 (J.P.M.L. 2005). On June 17, 2005, the defendants notified the Court that the JPML had issued a conditional transfer order for this case, which the plaintiff and the Liberty Mutual defendants opposed. This Court has been advised that on January 26, 2006 the JPML intends to consider, without oral argument, whether to issue a final transfer order.

The practical benefits of limiting duplicative efforts and obtaining consistent rulings on common issues counsels in favor of staying any action on other pending motions in this case until the JPML has resolved the transfer question. Other courts, confronted with similar scenarios, appear to

have reached the same conclusion. See Cameron Offshore Boats, Inc. v. Marsh USA, Inc., No. 2:05-CV-00608-PM (W.D. La. Sept. 19, 2005) (Westlaw); Emerson Elec. Co. v. Marsh USA, Inc., No. 4:05-CV-00455-SNL (E.D. Mo. Aug. 16, 2005) (Westlaw); Slay Indus. v. Marsh & McLennan Companies., No. 4:05-CV-00964-CDP (E.D. Mo. Aug. 1, 2005) (Westlaw);.

Accordingly, the above-captioned case is STAYED pending the JPML's final ruling regarding the transfer of this action to the District of New Jersey or until further Order of this Court.

It is SO ORDERED.

January 19, 2006

DATE

/s/ George A. O'Toole, Jr.

DISTRICT JUDGE